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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,437	02/12/2002	Sami Uskela	P 284997	3626
909	7590	08/12/2004	EXAMINER	
PILLSBURY WINTHROP, LLP			PHAN, HUY Q	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2685	
DATE MAILED: 08/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/049,437

Applicant(s)

USKELA, SAMI

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method for handling a call when destined subscriber is unable to answer.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hummelgren et al. (US-6,307,845).

Regarding claim 10, Hummelgren et al. disclose a telephone apparatus (fig. 3) comprising a telecommunications part, an AV part and a user interface (inherently to the Internet Host IP; see col. 2, lines 43-58), wherein the telephone apparatus also comprises an audiovisual source (fig. 3, box IP Voice Mailbox) and connecting means for connecting the AV part to the AV source in response to control signals relayed from

Art Unit: 2685

other parts of the telephone system to indicate that subscriber B is unable to answer (col. 3, lines 24-34).

Regarding claim 12, Hummelgren et al. disclose a telephone apparatus as recited in the rejection of claim 10, wherein the AV source is a radio (col. 2, lines 30-62 and fig. 3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummelgren et al. (US-6,307,845) in view of Fuller et al. (US-6,545,589).

Regarding claim 1, Hummelgren et al. disclose in figure 4, a method for handling a call made by subscriber A using a subscriber terminal (fig. 3, feature IH), which comprises a telecommunications part and an AV part for displaying audio and/or visual information, to a subscriber terminal of subscriber B (fig. 3, feature MS/DTE) when subscriber B is unable to answer, in which method the terminal of subscriber A, or at least its AV part, is operationally connected to an audiovisual source for the time subscriber A waits for subscriber B to answer or to become available, after which the

call is connected between subscribers A and B (col. 2, lines 30-62), wherein the method comprises

providing said subscriber terminal of the subscriber A with at least one AV source (fig. 4 and col. 2, line 59-col. 6, line 49);

offering a plural number of alternative AV sources to subscriber A (fig. 4 and col. 2, line 59-col. 6, line 49);

connecting the terminal used by subscriber A, or at least its AV part, to the AV source chosen by subscriber A (col. 3, lines 24-67).

But, Hummelgren et al. fail to expressly show receiving information about the AV source chosen by originated subscriber. However in analogous art, Fuller et al. teach receiving information about the AV source chosen by originated subscriber (fig. 7, step 703 and col. 20, lines 14-20). Since, Hummelgren et al. and Fuller et al. are related to the method for handling the call when destined subscriber is unable to answer; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hummelgren et al. by specifically receiving information about the AV source chosen by originated subscriber as taught by Fuller et al. for purpose of allowing the originated subscriber a function of selecting the AV source, which provides the best suit.

Regarding claim 2, Hummelgren et al. and Fuller et al. disclose a method as recited in the rejection of claim 1. Fuller et al. further disclose wherein information about the AV source chosen by subscriber A is stored into a memory means prior to the call,

and subscriber A's terminal, or at least its AV part, is connected to the AV source indicated by the subscriber-specific information stored in the memory means (col. 2, lines 25-62, fig. 7, step 703 and col. 20, lines 14-20).

Regarding claim 3, Hummelgren et al. and Fuller et al. disclose a method as recited in the rejection of claim 1. Hummelgren et al. further disclose wherein at least the receiving step is carried out after it has been found out that subscriber B is unable to answer (col. 3, lines 34-67).

Regarding claim 4, Hummelgren et al. disclose in figure 4, a telephone system comprising at least a terminal used by subscriber A (fig. 3, feature IH), a terminal used by subscriber B (fig. 3, feature MS/DTE), a switching center (fig. 3, box 32) for setting up a call between subscribers A and B, and connecting means for connecting the subscriber A's terminal to an AV source when subscriber B is unable to answer, wherein the system comprises a plural number of alternative audiovisual sources of which at least one is arranged in said terminal used by subscriber A (fig. 4 and col. 2, line 59-col. 6, line 49).

But, Hummelgren et al. do not particularly show wherein the connecting means are arranged to connect the terminal of subscriber A to the AV source chosen by subscriber A when subscriber B is unable to answer. However, Fuller et al. teach wherein the connecting means are arranged to connect the terminal of originated subscriber to the AV source chosen by originated subscriber when destined subscriber

is unable to answer. (fig. 7, step 703 and col. 20, lines 14-20). Since, Hummelgren et al. and Fuller et al. are related to the method for handling the call when destined subscriber is unable to answer; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hummelgren et al. by specifically wherein the connecting means are arranged to connect the terminal of originated subscriber to the AV source chosen by originated subscriber when destined subscriber is unable to answer as taught by Fuller et al. for purpose of allowing the originated subscriber a function of selecting the AV source, which provides the best suit.

Regarding claim 5, Hummelgren et al. and Fuller et al. disclose a telephone system as recited in the rejection of claim 4. Hummelgren et al. further disclose wherein it comprises a mobile communications system (fig. 3 and col. 2, lines 30-62).

Regarding claim 6, Hummelgren et al. and Fuller et al. disclose a telephone system as recited in the rejection of claim 4. Fuller et al. further disclose wherein the telephone system comprises at least one subscriber register having a data transmission connection to a mobile services switching center, subscriber information of subscriber terminals within the mobile communications system being maintained in the subscriber register, and connecting means comprising a specialized resource function and a service control function which read the subscriber information from the subscriber register and connect subscriber A's terminal to the AV source chosen by subscriber A on the basis of the information read (col. 19, line 62- col. 20, line 67).

Regarding claim 7, Hummelgren et al. and Fuller et al. disclose a telephone system as recited in the rejection of claim 4. Fuller et al. further disclose wherein the connecting means, which comprise a specialized resource function and a service control function, inform subscriber A about the available AV sources, receive the choice made by subscriber A and connect subscriber A's terminal to the AV source corresponding to the choice (col. 19, line 62- col. 20, line 67).

Regarding claim 8, Hummelgren et al. and Fuller et al. disclose a telephone system as recited in the rejection of claim 4. Fuller et al. further disclose wherein it comprises a public switched telephone network (fig. 1, box 2 and col. 20, line 11).

Regarding claim 11, Hummelgren et al. disclose a telephone apparatus as recited in the rejection of claim 10. But, Hummelgren et al. do not particularly show wherein the AV source also comprises a memory into which audio data has been stored, and an audio generator for generating audio signals from the audio data and for feeding the signals into the AV part. However, Fuller et al. teach wherein the AV source also comprises a memory (fig. 5, boxes 500 and 505) into which audio data has been stored, and an audio generator for generating audio signals from the audio data and for feeding the signals into the AV part (col. 18, lines 3-67). Since, Hummelgren et al. and Fuller et al. are related to the method for handling the call when destined subscriber is unable to answer; therefore, it would have been obvious to one of ordinary skill in the art



at the time the invention was made to modify the method of Hummelgren et al. by specifically wherein the AV source also comprises a memory into which audio data has been stored, and an audio generator for generating audio signals from the audio data and for feeding the signals into the AV part as taught by Fuller et al. for purpose of saving the radio resource or reducing the signaling between originated subscriber and its network since the signaling can be controlled by destined subscriber's network.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hummelgren et al. in view of Fuller et al. and further in view of Ladd et al. (US-5,117,451).

Regarding claim 9, Hummelgren et al. and Fuller et al. disclose a telephone system as recited in the rejection of claim 4. But, Hummelgren et al. and Fuller et al. fail to expressly show wherein it comprises a private branch exchange to which a plural number of audiovisual sources and means are connected to transmit information to subscriber A about the available AV sources, to receive the choice made by subscriber A and to connect subscriber terminal A to the AV source. However in analogous art, Ladd et al. teach the system wherein it comprises a private branch exchange (fig. 2, PBX 210 and col. 5, lines 10-65) to which a plural number of audiovisual sources and means are connected to transmit information to subscriber A about the available AV sources, to receive the choice made by subscriber A and to connect subscriber terminal A to the AV source (fig. 2, PBX 210 and col. 5, lines 10-65). Since, Hummelgren et al., Fuller et al. and Ladd et al. are related to the method for handling the call when destined

subscriber is unable to answer; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hummelgren et al. and Fuller et al. by specifically having the private branch exchange to which a plural number of audiovisual sources and means being connected to transmit information to subscriber A about the available AV sources, to receive the choice made by subscriber A and to connect subscriber terminal A to the AV source as taught by Ladd et al. for purpose of providing advantageously the connection of electronic telephone sets with multiple line capability and display capability of the system.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Sato et al. (US-6,088,597) disclose a method for controlling speech-path.
- b) Ginsberg (US-6,064,730) discloses a method for routing call.
- c) Hird et al. (US-5,319,701) disclose a method for automated call.
- d) Astrom (US-5,579,372) discloses a method for SMS – busy subscriber.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

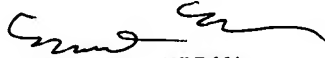
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

AU: 2685

Date : Aug. 06, 2204

  
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